

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7627**

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CLIFFORD ADAM BLACKWELL,

Plaintiff - Appellant,

versus

RAYMOND SMITH, Superintendent,

Respondent - Appellee.

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Appeal from the United States District Court for the Middle  
District of North Carolina, at Durham. Russell A. Eliason,  
Magistrate Judge. (CA-02-141-1)

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Submitted: March 14, 2003

Decided: March 27, 2003

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Before WIDENER, MOTZ, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Clifford Adam Blackwell, Appellant Pro Se. Clarence Joe DelForge,  
III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh,  
North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Clifford Adam Blackwell seeks to appeal the magistrate judge's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000).<sup>\*</sup> We have independently reviewed the record and conclude that Blackwell has not made a substantial showing of the denial of a constitutional right. See Miller-El v. Cockrell, \_\_\_ U.S. \_\_\_, 2003 WL 431659, at \*10 (U.S. Feb. 25, 2003) (No. 01-7662). Accordingly, we deny Blackwell's motion for a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

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<sup>\*</sup> The parties consented to the magistrate judge's jurisdiction pursuant to 28 U.S.C. § 636(c) (2000).